

House Bill 1337

By: Representatives Sims of the 169th, Bruce of the 64th, and Maddox of the 172nd

A BILL TO BE ENTITLED
AN ACT

To amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to authorize and regulate private harvest-hunt preserves; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 4 of the Official Code of Georgia Annotated, relating to animals, is amended by adding a new chapter to read as follows:

"CHAPTER 16

4-16-1.

The purpose of this chapter is to regulate the establishment and operation of harvest-hunt preserves.

4-16-2.

As used in this chapter, the term:

(1) 'Alternative livestock' means the following species: elk, axis deer, fallow deer, sika deer, red deer, nilgai antelope, addax antelope, black buck antelope, and aoudad.

(2) 'Game mammals' means members of the families Cervidae (such as deer and elk; but not including mule deer or whitetail deer or any other Cervids native to this state).

(3) 'Harvest-hunt preserve' means an animal preserve designed and operated to allow the release and taking of captive raised native and nonnative game animals as specified in this chapter.

1 4-16-3.

2 (a) The Commissioner may issue a license for the establishment and operation of a
3 harvest-hunt preserve. No harvest-hunt preserve license shall be issued until the premises
4 of such preserve have been inspected by a representative of the Commissioner and the
5 requirements of this chapter have been met.

6 (b) No person shall engage in or carry on the business of operating a harvest-hunt preserve
7 without first applying for and obtaining a harvest-hunt preserve license. The provisions of
8 Article 5 of Chapter 4 of this title shall not apply to a harvest-hunt preserve authorized
9 under this chapter or the operator thereof.

10 (c) A harvest-hunt preserve shall consist of not more than 10,000 acres, including water
11 area, and shall be owned or leased by the applicant. For the harvesting of alternative
12 livestock, the land shall be located wholly within a legally fenced tract. The boundaries
13 of all preserves shall be posted with signs bearing the words 'Licensed Harvest-Hunt
14 Preserve,' which shall be placed at intervals of not more than 500 feet and easily visible
15 from any point of ingress or egress.

16 (d) In the event the property is under lease to the applicant, such lease shall be for a term
17 of not less than one year from date of application and subject to review and approval by the
18 Commissioner as a condition to the granting of a license.

19 (e) The following shall apply on all harvest-hunt preserves:

20 (1) The taking of carnivorous animals is prohibited on such preserves. Only alternative
21 livestock and native game species shall be taken on harvest-hunt preserves;

22 (2) Alternative livestock shall not be taken on harvest-hunt preserves while boxed or
23 caged and shall be taken only in accordance with the following conditions and methods:

24 (A) Cervidae (deer family) shall be free roaming on not less than 300 acres, with a
25 minimum of 200 acres covered with woody vegetation. The harvesting of Cervidae
26 with dogs is prohibited; provided, however, that a leashed dog shall be allowed for
27 trailing. The preserve shall be completely enclosed with an eight-foot game fence;

28 (B) Bovidae (such as antelope) shall be free roaming on not less than 300 acres, with
29 a minimum of 200 acres covered with grassy vegetation. The harvesting of Bovidae
30 with dogs is prohibited; provided, however, that a leashed dog shall be allowed for
31 trailing. The preserve shall be completely enclosed with an eight-foot game fence; and

32 (C) Suidae (hog) shall be free roaming on not less than 100 acres, with a minimum of
33 75 acres covered with woody vegetation; and

34 (3) The open season for taking native game species shall coincide with the established
35 open seasons, while alternative livestock may be taken year round.

1 (f) Alternative livestock may be kept in small enclosures only for veterinary, breeding,
2 transportation, or other management purposes and shall not be harvested on the same day
3 of release or transport into the minimum acreage required for taking the species.

4 (g) The harvesting of alternative livestock produced, raised, or held at a zoological
5 attraction or that are tame alternative livestock is prohibited. For the purpose of this
6 subsection, 'tame alternative livestock' means alternative livestock that does not exhibit the
7 flight characteristics normal for the species when found in the wild. When tame alternative
8 livestock are maintained in harvesting areas on a preserve for breeding or other purposes,
9 they shall be readily identifiable with a fluorescent collar or other marking device.

10 (h) Motorized vehicles shall not be used to drive alternative livestock nor shall alternative
11 livestock be taken from moving motorized vehicles.

12 (i) Harvest-hunt preserves shall be equipped and operated in such manner as to provide
13 sufficient food and humane treatment for the alternative livestock thereupon. The
14 premises, pens, and facilities of all harvesting preserves shall be maintained in a sanitary
15 condition. All alternative livestock harvested shall be taken by humane method as
16 specified by rules or regulations of the Commissioner for the species. Injured or wounded
17 animals shall be immediately euthanized, transported to a veterinarian for treatment, or
18 treated by the owner.

19 (j) Prior to being transported from a harvest-hunt preserve, all carcasses, parts, and meat
20 of alternative livestock taken on such preserve shall be properly identified with a tag or
21 label with the name of the person harvesting, the name of the preserve, and the date such
22 game is being transported from the preserve.

23 (k) A hunting license as required by law shall be required of all persons taking game on
24 any harvest-hunt preserve.

25 (l) There shall be a registration book on each harvest-hunt preserve in which the name,
26 address, and quantity of alternative livestock taken by each person hunting on the preserve
27 shall be recorded. All records and the physical facilities and installations of any
28 harvest-hunt preserve shall be open to inspection upon request by personnel of the
29 department or the Department of Agriculture.

30 (m) A complete record of all alternative livestock released and harvested on any
31 harvest-hunt preserve shall be maintained and available to the Commissioner upon request.

32 (n) The license of any harvest-hunt preserve operator violating this chapter or any rule or
33 regulation adopted by the Commissioner pursuant to this chapter shall be subject to
34 revocation, cancellation, or suspension following notice and hearing. A harvest-hunt
35 preserve license of any licensee whose facility does not meet the definition of an
36 agricultural operation shall be revoked, and such license may be revoked if the licensee

violates any provision of Title 27, relating to wild animals. Any alternative livestock must be disposed of within 45 days of revocation of any harvest-hunt preserve license.

(o) It shall be the duty of the Department of Agriculture to inspect an applicant's facilities and to transmit a copy of any application for a harvest-hunt preserve license to the Department of Natural Resources. The Department of Natural Resources shall inspect the applicant's fencing and shall report to the Department of Agriculture within 30 days of receipt of the application. It also shall be the duty of the Department of Agriculture to transmit a copy of any license issued pursuant to this chapter to the Department of Natural Resources. It also shall be the duty of the Department of Agriculture to notify the Department of Natural Resources of the revocation, nonrenewal, cancellation, or lapse of any license issued pursuant to this chapter. All such notifications shall be made in writing and shall be made as promptly as possible, but in no event shall such notification be given more than 72 hours after the event giving rise to the requirement of notice.

(p) For purposes other than harvest-hunt preserve operations or alternative livestock farming, alternative livestock species must be held under a wild animal license pursuant to Chapter 5 of Title 27. Anyone holding, possessing, importing, or transporting alternative livestock without a harvest-hunt preserve license, alternative livestock farming license, or a wild animal license shall be in violation of Title 27.

4-16-4.

Health and transportation requirements for any Artiodactyla (even-toed ungulates) shall meet the health requirements established by rule or regulation of the Georgia Department of Agriculture. Those animals specifically used for harvest-hunt preserves shall meet the requirements of the Uniform Methods and Rules of the Code of Federal Regulations for Tuberculosis and Brucellosis in Cervidae.

4-16-5.

Any alternative livestock which escapes from a licensed harvest-hunt preserve shall be subject to the jurisdiction of the Department of Natural Resources and may be treated as an escaped wild animal subject to the provisions of Chapter 5 of Title 27, except that, while such animal is roaming freely outside the enclosure of any licensed harvest-hunt preserve, the owner of such alternative livestock shall have 48 hours from the time the escape is detected to recapture such animal and return it to the licensed preserve. As a condition for maintaining a harvest-hunt preserve license, it shall be the duty of the owner or operator of a licensed harvest-hunt preserve to notify the Department of Natural Resources immediately upon discovery of the escape of alternative livestock. When such notice has

1 been given, no legal hunter shall be held liable for killing or wounding such escaped
2 alternative livestock.

3 4-16-6.

4 Harvest-hunt preserve operators shall allow the entry onto the preserve of representatives
5 of the Department of Agriculture, the Department of Natural Resources, or other
6 departments or agencies having authority or duties involving captive alternative livestock
7 or wild animals to ensure compliance with applicable federal and state laws.

8 4-16-7.

9 The Commissioner of Agriculture is authorized to promulgate rules and regulations as may
10 be necessary to effectuate the purpose of this chapter. Such rules and regulations shall be
11 promulgated after consultation with the Department of Natural Resources and shall be
12 designed to ensure the health and safety of wildlife and prevent the spread of animal
13 diseases between wildlife, wild animals, domestic animals, captive alternative livestock,
14 and people. It shall be the duty of the Commissioner, the Department of Agriculture, the
15 Board of Natural Resources, the commissioner of natural resources, and the Department
16 of Natural Resources to communicate and consult on matters of mutual concern so as to
17 ensure the health and safety of captive alternative livestock, wildlife, wild animals,
18 domestic animals, and people and to prevent, control, and eradicate animal diseases with
19 this state.

20 4-16-8.

21 In addition to the remedies provided in this chapter and notwithstanding the existence of
22 any adequate remedy at law, the Commissioner is authorized to apply to the superior court
23 having jurisdiction for an injunction. Such court may, upon hearing and for good cause
24 shown, grant a temporary or permanent injunction, or both, restraining any person from
25 violating or continuing to violate any of the provisions of this chapter or for failing or
26 refusing to comply with the requirements of this chapter or any rule or regulation adopted
27 by the Commissioner pursuant to this chapter. An injunction issued under this Code
28 section shall not require a bond.

29 4-16-9.

30 (a) The Commissioner, in order to enforce this chapter or any orders, rules, or regulations
31 promulgated pursuant to this chapter, may issue an administrative order imposing a penalty
32 not to exceed \$1,000.00 for each violation whenever the Commissioner, after a hearing,

determines that any person has violated any provision of this chapter or any quarantines, orders, rules, or regulations promulgated pursuant to this chapter.

(b) The initial hearing and any administrative review thereof shall be conducted in accordance with the procedure for contested cases in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Any person who has exhausted all administrative remedies available and who is aggrieved or adversely affected by any final order or action of the Commissioner shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50. All penalties recovered by the Commissioner as provided for in this chapter shall be paid into the state treasury. The Commissioner may file in the superior court of the county wherein the person under order resides or, if said person is a corporation, in the county wherein the corporation maintains its principal place of business or in the county wherein the violation occurred a certified copy of a final order of the Commissioner unappealed from or of a final order of the department affirmed upon appeal, whereupon said court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though said judgment had been rendered in an action duly heard and determined by said court. The penalty prescribed in subsection (a) of this Code section shall be concurrent, alternative, or cumulative with any and all other civil, criminal, or alternative rights, remedies, forfeitures, or penalties provided, allowed, or available to the Commissioner with respect to any violation of this chapter and any quarantines, orders, rules, or regulations promulgated pursuant thereto.

4-16-10.

It shall be unlawful for any person intentionally to release alternative livestock from captivity or to import, transport, sell, transfer, or possess alternative livestock in such a manner as to cause its release or escape from captivity. If a person imports, transports, sells, transfers, or possesses alternative livestock in such a manner as to pose a reasonable possibility that such alternative livestock may be released accidentally or escape from captivity, the department may revoke the license of such person.

4-16-11.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.